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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,728	10/16/2003	Kuen-Yih Hwang	4380-5	4892

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INTRADO INC.
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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,728	Applicant(s) HWANG ET AL.	
	Examiner Brandon J. Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-12, 14-16, 19, 21-22, 24, 26-32, 34, 36, 38-42, and 44-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Herle.

Regarding claim 1 Herle teaches a system for providing communication device location information (see paragraph [0049]). Herle teaches a first communication device (see paragraph [0024]); a second communication device (see paragraph [0027]); and a location service center node (see paragraph [0023]). Herle teaches a communication network interconnected to the first communication device, the second communication device, and the location service center node (see paragraph [0023] and FIGURE 1). Herle teaches wherein a request for location related information received from a first one of the first and second communication devices regarding a second one of the first and second communication devices is validated (see paragraphs [0049] & [0050]).

Regarding claim 2 Herle teaches wherein the validated request is made by a subscriber to a location determining service (see paragraphs [0022] & [0050]).

Regarding claim 6 Herle teaches a location service center node that is in communication with a location determining entity (see paragraph [0049]).

Regarding claim 7 Herle teaches wherein the second one of the first and second communication devices comprises a wireless telephone (see paragraph [0027]).

Regarding claim 8 Herle teaches a location service network node, comprising data storage, operable to store at least one of data and application programming; and a processor, operable to execute application programming (see paragraphs [0023] & [0039]). Herle teaches a first communication interface, operable to interconnect the node to a communication network and operable to send and receive location information (see paragraph [0041] and FIGURE 3). Herle teaches wherein location information regarding a first communication device is received from a communication network (see paragraph [0049]). Herle teaches wherein location related information regarding the first communication device is directed to a second communication device (see paragraphs [0049] & [0050]).

Regarding claim 9 Herle teaches location related information that comprises the location information (see paragraph [0049]).

Regarding claim 10 Herle teaches location information indicates a location of the first communication device in a first format (see paragraph [0049]). Herle teaches wherein the location related information indicated a location of a first communication device in a second format (see paragraph [0050]).

Regarding claim 11 Herle teaches a method for obtaining location related information (see paragraph [0049]). Herle teaches initiating a request for location related information associated with a first one of a first communication device and a second communication device (see paragraph [0050]). Herle teaches validating the request; querying a location determining

entity for location information; and providing at least one of the location information and the location related information to a communication device (see paragraphs [0043] & [0050]).

Regarding claim 12 Herle teaches at least one of the location information and the location related information is provided to a second one of the first communication device and the second communication device (see paragraph [0050]).

Regarding claim 14 Herle teaches providing the location determining entity with information identifying the first one of the first communication device and the second communication device (see paragraphs [0047] & [0050]).

Regarding claim 15 Herle teaches identifying information that includes at least one of a telephone number, an Internet protocol address, and an equipment identification number associated with the first one of a first communication device and a second communication device (see paragraph [0036]).

Regarding claim 16 Herle teaches initiating a request that comprises using the second one of the first communication device and second communication device to contact the location determining entity (see paragraph [0050]).

Regarding claim 19 Herle teaches validating the request that is performed in connection with a location service center (see paragraph [0050] and FIGURE 1).

Regarding claim 21 Herle teaches a receiving the location information at a location service center (see paragraph [0049]). Herle teaches generating the location related information from the received location information, wherein the location related information is provided to the communication device initiating the request for the location related service (see paragraph [0049]).

Art Unit: 2683

Regarding claim 22 Herle teaches a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 24 Herle teaches wherein the location information is delivered over a first communication network (see paragraph [0049])

Regarding claim 26 Herle teaches wherein each request for location related information is initiated by a subscriber to a location determining service (see paragraphs [0023] & [0024]). Herle teaches wherein the subscriber is associated with the first one of a first communication device and a second communication device (see paragraphs [0024] & [0047]).

Regarding claim 27 Herle teaches the step of validating the request comprises verifying that an account is in good standing (see paragraphs [0047] & [0050]).

Regarding claim 28 Herle teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Regarding claim 29 Herle teaches providing at least one of the location information and the location related information to the second one of the first communication device and the second communication device is authorized by a user of a the first one of the first communication device and the second communication device (see paragraphs [0047] & [0050]).

Regarding claim 30 Herle teaches communicating that comprises displaying (see paragraph [0026]).

Regarding claim 31 Herle teaches communicating that comprises providing verbalization (see paragraph [0021]).

Regarding claim 32 Herle teaches a method of providing communication device location related information (see paragraph [0049]). Herle teaches receiving a request for location related

Art Unit: 2683

information associated with a first communication device (see paragraph [0050]). Herle teaches validating the request; obtaining information comprising a location of the first communication device; and in response to a valid request, communicating the location related information to at least one of the first communication device and a second communication device (see paragraph [0050]).

Regarding claim 34 Herle teaches a request for location related information that is received from one of the first and second communication devices (see paragraph [0050]).

Regarding claim 36 Herle teaches a device as recited in claim 19 and is rejected given the same reasoning as above.

Regarding claim 38 Herle teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 39 Herle teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 40 Herle teaches the step of validating the request comprises validating a subscription for location related information associated with the communication device to which the identifying information is to be communicated (see paragraphs [0047] & [0050]).

Regarding claim 41 Herle teaches a device as recited in claim 40 and is rejected given the same reasoning as above.

Regarding claim 42 Herle teaches wherein the step of validating the request comprises validating a grant of permission by a user of the first communication device to provide the requested location related information (see paragraph [0050]).

Regarding claim 44 Herle teaches location related information that is generated automatically, without manual intervention by a user of the first or second communication device (see paragraph [0049]).

Regarding claim 45 Herle teaches location related information that is communicated to the at least one of the first communication device and the second communication device by at least one of a short message service and a multi-message service (see paragraph [0045]).

Regarding claim 46 Herle teaches a system for providing location related information associated with a mobile communication device (see paragraph [0049]). Herle teaches means for determining a location of a first communication device (see paragraph [0049]). Herle teaches means for querying the means for determining a location for a location of a first communication device; and means for validating a request for location related information associated with the first communication device (see paragraph [0043] & [0050]).

Regarding claim 47 Herle teaches means for communicating the location related information to a requestor (see paragraph [0050]).

Regarding claim 48 Herle teaches means for communicating comprising a second communication device (see paragraph [0024]).

Regarding claim 49 Herle teaches a second communication device comprising wireless communication means (see paragraph [0024]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2683

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 13, 17-18, 20, 23, 25, 33, 35, 37, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle in view of Bajikar.

Regarding claim 3 Herle teaches a device as recited in claim 1 except for a validated request that is made by a network node. Herle does teach a validated request that is made by a client device (see paragraph [0050]). Bajikar teaches a location request made by a network node (see paragraph [0012] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the client device in Herle adapt to include a network node because a client device can be a node on a network and it would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 4 Bajikar teaches a communication network that comprises a plurality of networks (see paragraph [0042]).

Regarding claim 5 Bajikar teaches wherein a first communication device is associated with a first network and the second one of the first and second communication devices is associated with any one of at least first and second communication networks (see paragraph [0041] & [0042]).

Regarding claim 13 Herle teaches a device as recited in claim 11 except for initiating a request that includes requesting a communication link between the first and second communication devices. Bajikar teaches initiating a request that includes requesting a communication link between the first and second communication devices (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include initiating a request that includes requesting a

Art Unit: 2683

communication link between the first and second communication devices because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 17 Herle teaches a device as recite in claim 11 except for a first communication device that is a calling communication device. Herle does teach a communication able to make a call (see paragraph [0027]). Bajikar teaches initiating a request that includes requesting a communication link between the first and second communication devices (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include a first communication device that is a calling communication device because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 18 Herle teaches a device as recite in claim 11 except for a first communication device that is a called communication device. Herle does teach a communication able to be called (see paragraph [0027]). Bajikar teaches initiating a request that includes requesting a communication link between the first and second communication devices (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include a first communication device that is a called communication device because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 20 Herle teaches a device as recited in claim 11 except for location related information that comprises at least one of a cell site location, a cell cite identifier, a

Art Unit: 2683

latitude and longitude, and a UTM coordinate. Herle does teach a global position locator that may be a GPS receiver and location related information that comprises additional information (see paragraphs [0026] & [0046]). Bajikar teaches location related information that comprises at least one of a cell site location, a cell cite identifier, a latitude and longitude, and a UTM coordinate (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include location related information that comprises at least one of a cell site location, a cell cite identifier, a latitude and longitude, and a UTM coordinate because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 23 Herle teaches a device as recited in claim 11 except for location related information that comprises at least one of a latitude and longitude, and a UTM coordinate, cell site location, a cell cite identifier, a place name, a street address, weather conditions and a map. Herle does teach a global position locator that may be a GPS receiver and location related information that comprises additional information (see paragraphs [0026] & [0046]). Bajikar teaches location related information that comprises at least one of a cell site location, a cell cite identifier, a latitude and longitude, and a UTM coordinate (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include location related information that comprises at least one of a latitude and longitude, and a UTM coordinate, cell site location, a cell cite identifier, a place name, a street address, weather conditions and a map because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 25 Herle teaches a device as recited in claim 24 except for establishing a communication link between the first and second communication devices over a second communication network. Bajikar teaches establishing a communication link between the first and second communication devices over a second communication network (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include establishing a communication link between the first and second communication devices over a second communication network because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 33 Herle teaches a device as recite in claim 32 except for a first communication device is one of a calling communication device and a called communication device. Herle does teach a communication able to make a call and receive a call(see paragraph [0027]). Bajikar teaches initiating a request that includes requesting a communication link between the first and second communication devices (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include a first communication device is one of a calling communication device and a called communication device because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 35 Herle and Bajikar teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 37 Herle teaches a device as recited in claim 36 except for first and second communication devices communicate with one another over a second network. Bajikar

Art Unit: 2683

teaches first and second communication devices communicate with one another over a second network (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include first and second communication devices communicate with one another over a second network because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Regarding claim 43 Herle teaches a device as recited in claim 11 except for receiving a request for a communication link with a first one of the first and second communication devices from a second one of the first and second communication devices. Bajikar teaches initiating a request that includes requesting a communication link between the first and second communication devices (see paragraphs [0041] & [0042]). It would have been obvious to one of ordinary skill in the art the time the invention was made to make the device adapt to include receiving a request for a communication link with a first one of the first and second communication devices from a second one of the first and second communication devices because this would allow for improved determination of the physical location of a mobile client device operating on a wireless network.

Double Patenting

Applicant is advised that should claim 40 be found allowable, claim 41 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas Pub. No.: US 2003/0060212 A1 discloses a method and system for location tracking.

Yiu et al. U.S. Patent No. 6,928,291 B2 discloses a method and apparatus for dynamically controlling release of private information over a network from a wireless device.

Dooley Pub. No.: US 2001/0048746 A1 discloses a method of estimating the location of a device.

Beason et al. U.S. Patent No. 6,492,941 B1 discloses a combined global positioning system receiver and radio.

Brown et al. U.S. Patent No. 6,873,851 B2 discloses a method, system, and program for providing user location information for a personal information management system from transmitting devices.

Hagebarth U.S. Patent No. 6,687,505 B1 discloses a method of monitoring the position of a mobile subscriber as well as in server and we server for carrying out the method.

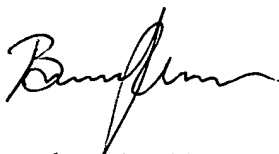
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "B. J. [unclear]".

September 13, 2005

A handwritten signature in black ink, appearing to be "W. Trost".

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600